(31)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P(S). No. 6467 of 2007

PETITIONER		R.P. Dubey S/o. Ramkripal Dubey, Aged about 56 years, R/o. Bagbahra, Mahasamund, District Mahasamund (CG)
		Versus
RESPONDENTS	**1**	State of Chhattisgarh, Through: Secretary, Health and Family Welfare Department, D.K.S. Bhawan, Raipur, District Raipur (CG)
	2	Director, Health Services Chattisgarh, Raipur, District Raipur (CG)
	3.	Chief Medical and Health Officer, Mahasamund, District Mahasamund (CG)
	4.	Block Medical Officer, Primary Health Centre, Bagbahra, District Mahasamund (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Vikram Dixit, counsel f or the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate, for the State on advance copy.

ORAL ORDER
(12.11.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

The petitioner, who is working on the post of Non-Medical Supervisor (N.M.S.) at Bagbahra, District Mahasamund, has been transferred to the office of C.M.O., Jagdalpur, on administrative grounds.

Learned counsel for the petitioner argues that the son of the petitioner is studying in Class 12th in local institution, therefore, the order of transfer is causing inconvenience to the petitioner. He also argues that the wife of the petitioner is mentally ill, therefore, it is difficult for the petitioner to manage all this.

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On being pointedly asked from the learned counsel for the petitioner that since when the petitioner is posted at Bagbahra, he submits that the petitioner is working there for a long period.

Needless to say, these are not the grounds for interference in an order of transfer by a court of law.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

Learned counsel for the petitioner could not make out a case either of arbitrariness or of malafide or of extraneous consideration or that the transfer order is passed against any statutory rules or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner.

The petition has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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